

**MINUTES  
CITY COUNCIL MEETING  
THURSDAY, OCTOBER 6, 2022, 7:00 P.M.  
CITY COUNCIL CHAMBERS- HURLEY BUILDING  
205 SALTONSTALL ST.  
VIRTUAL: <https://us06web.zoom.us/j/83871733845>**

Mayor Palumbo called the meeting to order at 7:10 p.m.

**Pledge of Allegiance**

**Roll Call:**

**Members Present:**

Councilmember Ward 1 Nicholas Cutri  
Councilmember Ward 2 Dan Unrath  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Erich Dittmar  
Councilmember-at-Large Sim Covington  
Councilmember-at-Large Thomas Lyon  
Councilmember-at-Large Renee Sutton  
Councilmember-at-Large Steve Uebbing  
Mayor Bob Palumbo

**Also Present:**

City Manager John D. Goodwin  
Corporation Counsel, David Hou  
City Clerk, Erin VanDamme

**Review of Community Core Values:** Councilmember Ward 3 White read the Community Core Values: city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive; Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

**Approval of Minutes:**

**September 1, 2022, and September 27, 2022**

Moved: Councilmember Ward 1 Cutri

Seconded: Councilmember Ward 3 White

*Vote Result: Carried unanimously by voice vote (9-0)*

**Guests:** Lenore Friend, from Finger Lakes Television spoke of the new platform service, Cablecast and how the service is using and how it improves public access to view all City meetings. Meetings will now be available an hour after their completion, chaptering service for the meetings have been implemented, closed captioning has been improved to be available in real time and the service partners with Roku to be streamed.

George West, owner of Jaydaga store on Main Street, spoke of his store and the products he sells. He explained to Council that he has applied for a permit to sell cannabis legally. He plans to continue to sell cannabis products without a license and will continue to pay the fines, knowing he is selling something illegally, even if the product is legal.

Tina Greene, Penfield, spoke on a few incidents of racial incidents that her family has experienced in the Ontario County area to make Council aware.

Mayor Palumbo thanked all who spoke and will take the issues raised under advisement.

**Resolutions:**

**Resolution #2022-062:**

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Sutton

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON  
RELATIVE TO AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

**WHEREAS**, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law;

**NOW, THEREFORE, BE IT RESOLVED** by City Council that a public hearing relative to a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, held in City Council Chambers at the Hurley Building (205 Saltonstall Street) at 7:00 p.m. on November 3, 2022; and

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

*The motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)*

***NOES:** None*

**Resolution #2022-063:**

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 3 White

**A RESOLUTION AUTHORIZING A SPECIAL EVENT**

**WHEREAS**, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- *A Stronger Ontario 5K*
  - Date: November 13, 2022
  - Location: Lakeshore Boulevard to Lagoon Park
  - Coordinator: The Partnership for Ontario County
  - Time: Set up: 7:30 am; Clean up: 12:00pm
  - Purpose: Fundraiser for the Partnership for Ontario County
  - Expected Number of Participants: 150

WHEREAS, this request was reviewed and approved at the September 27<sup>th</sup> at the Environmental and Ordinance Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** that City Council hereby grants permission to hold the abovementioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.
- 6) a safety plan be submitted to and approved by the City Manager.

**BE IT FURTHER RESOLVED** that the organizer of the Special Event shall adhere to any regulations that the City Manager or the City Police Department establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)*

*NOES: None*

**Resolution #2022-064:**

Moved: Councilmember-at-Large Covington

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION APPROPRIATING FUNDING FOR CCA LEGAL OPINION**

**WHEREAS**, this summer Source Power/Icon Energy defaulted on a required payment to the grid operator, New York Independent System operator (NYISO) and was prohibited from being an electric provider which resulted in the City's Community Choice Aggregation program ending on June 15<sup>th</sup> and residents and businesses that were part of the program returning to RG&E as the default electric supply service; and

**WHEREAS**, the City, Town of Brighton and Village of Victor were all part of the same CCA program and agreed to work together in seeking outside legal opinion and share the costs based on the municipalities CCA size; and

**WHEREAS**, the total cost of the opinion was \$5,000 with the City's share being \$1,000 and the City Manager recommended utilizing funding from the Energy Projects fund (funds received from Source Power via the community solar program) for this purpose; and

**WHEREAS**, said recommendation was reviewed and approved at the Environmental Committee at its meeting on September 27<sup>th</sup>.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council of the City of Canandaigua hereby appropriates \$1,000 from the Energy Projects Fund the purposes paying the City's share of a legal opinion regarding the CCA program.

Prior to the vote, Council asked for an update. Corporation Council said that he would discuss this opinion during Executive Session.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)*

*NOES: None*

**Resolution #2022-065:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 4 Dittmar

**A RESOLUTION AUTHORIZING A BUDGET AMENDMENTS**

**WHEREAS**, a large overrun of \$228,920 occurred over the \$250,000 budgeted for the micro-pave program caused by the escalation in asphalt prices and communication failures between the vendor and DPW Staff; and

**WHEREAS**, the overrun necessitates that funding be appropriated from the Capital Reserve to be reimbursed in 2023 via the New York State CHIPS program; and

**WHEREAS**, the 2022 Fire Department Budget included \$15,560 for gas and \$50,000 for vehicle repairs, but due to increased call volume, larger than anticipated increases in gas prices and more than anticipated repairs to fire apparatus and an additional \$30,000 is needed to fund the remaining portion of the year; and

**WHEREAS**, the City Manager recommended appropriating \$228,920 of the Capital Reserve and \$30,000 of the 2022 Budget Contingency for these budget amendments and said recommendation was reviewed at the October 4<sup>th</sup> Finance Committee meeting; and

**NOW, THEREFORE, BE IT RESOLVED**, City Council hereby appropriates \$228,920 of the Capital Reserve to fund the overage on the micro-pave program; and

**BE IT FURTHER RESOLVED**, City Council hereby appropriates \$30,000 from the 2022 Budget Contingency for the Fire Department budget to fund gas and vehicle repairs.

Prior to the vote, Councilmember-at-Large Uebbing noted that this is resulting in a policy shift that Council will be working on later this evening and that the public should know that the City did not pay for something that wasn't used. City Manager Goodwin noted that this will not negatively impact any financial concern on the part of the public.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)*

*NOES: None*

**Resolution #2022-066:**

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember-at-Large Sutton

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH ONTARIO COUNTY FOR SOLID WASTE MANAGEMENT PLAN FUNDING**

**WHEREAS**, the City Manager requested \$40,000 from the Ontario County Department of Sustainability and Solid Waste Management for a Waste Reduction Strategy grant to help with the costs towards the City's new solid waste collection program; and

**WHEREAS**, the Ontario County Board of Supervisors approved the request and Ontario County proffered the attached agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the City Manager to execute the attached agreement, in substantially the same form as attached hereto, with Ontario County

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)*

*NOES: None*

**Resolution #2022-067:**

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember-at-Large Lyon

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF GORHAM AND TOWN OF CANANDAIGUA FOR THE CANANDAIGUA LAKE SUSTAINABLE WINTER MANAGEMENT OF ROADS PILOT PROGRAM**

**WHEREAS**, the Canandaigua Lake Watershed Council, City of Canandaigua, and Towns of Gorham and Canandaigua have been working together to implement a grant funded pilot program – the Canandaigua Lake Sustainable Winter Management of Roads Pilot Program; and

**WHEREAS**, the program involves testing brine, brine equipment and live edge plow equipment to reduce the amount of deicing salt used during the winter months with the goal of maintaining and enhancing safety of streets and roadways while decreasing the impact deicing operations has on the environment and Canandaigua Lake; and

**WHEREAS**, a memorandum of understanding between the municipal partners is necessary for the grant and said agreement was reviewed at the October 4<sup>th</sup> Finance Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the City Manager to execute the attached memorandum of understanding, in substantially the same form as attached hereto, with the Towns of Gorham and Canandaigua.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)*

*NOES: None*

**Resolution #2022-068:**

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 3 White

**A RESOLUTION AWARDING CONTRACTS FOR SODIUM HYPOCHLORITE AND HYDROFLUOSILICIC ACID**

**WHEREAS**, Sodium Hypochlorite and Hydrofluosilicic Acid are critical components of the Water Treatment Process to disinfect the water and provide the critical public health benefit of reducing cavities and preventing tooth decay respectively; and

**WHEREAS**, bids to supply Sodium Hypochlorite and Hydrofluosilicic Acid to the Water Treatment Plant were opened on Friday, September 30, 2022; and

**WHEREAS**, the lowest responsible bid out of three responding bids for Sodium Hypochlorite was from Slack Chemical Co., Inc, of Carthage, NY, in the amount of \$1.97 per gallon; and

**WHEREAS**, the lowest responsible and sole bid for Hydrofluosilicic Acid was from Slack Chemical Co., Inc, of Carthage, NY, in the amount of \$4.879 per gallon; and

**WHEREAS**, Staff recommends awarding contracts for both chemicals so that the facility can continue to operate without disrupting service to the community;

**NOW, THEREFORE, BE IT RESOLVED**, City Council hereby awards a contract for Sodium Hypochlorite at the Water Treatment Plant to Slack Chemical Co., Inc, for the amount of \$1.97 per gallon and awards a contract for Hydrofluosilicic Acid to Slack Chemical Co., Inc, for the amount of \$4.879 per gallon.

Prior to the vote, Councilmember-at-Large Uebbing said that he objects to putting fluoride in the water and will be voting no. Councilmember-at-Large Sutton noted the several studies on fluoride, dental health and high quality of our public water.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, and Mayor Palumbo. (8-0)*

*NOES: Councilmember-at-Large Uebbing*

**ORDINANCE:**

**Ordinance #2022-004:** *Councilmember-at-Large Sutton introduced the ordinance and motioned to place it on the table. Councilmember-at-Large Uebbing seconds, unanimously passed and carried by a voice vote (8-0).*

## AN ORDINANCE AMENDING CHAPTER 161 OF THE CITY CODE RELATIVE TO PURCHASING POLICIES AND PROCEDURES.

**WHEREAS**, New York State General Municipal Law §104-b(4) requires the City Council to review the City's policies and procedures with respect to purchases; and

**WHEREAS**, the proposed amended policies and procedures were reviewed and discussed by the Department Heads in accordance with General Municipal Law §104-b(3); and

**WHEREAS**, after reviewing the City's current Purchasing Policy and Procedures, the City Manager and Treasurer recommends the updating the policy relative to procurements made pursuant to General Municipal Law through State, County, other municipal contracts, State Finance Law or Corrections Law (§161-5 Section B2); and

**WHEREAS**, the proposed recommendation to update the Purchasing Policy and Procedures was reviewed at the October 4, 2022 Finance Committee Meeting;

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Canandaigua that:

**Sec. 1** Chapter 161 of the Municipal Code, is hereby amended as attached (additions in **bold**, deletions **stricken**); and

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

### **LOCAL LAWS**

**Local Law:** *Councilmember-at-Large Lyon introduced the local law and motioned to place it on the table, seconded by Councilmember-at-Large Sutton, unanimously passed, and carried by a voice vote (8-0).*

### **A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

#### **Section 1. Legislative Intent**

It is the intent of this local law to allow the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2023, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

#### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

#### **Section 3. Tax Levy Limit Override**

The City Council of the City of Canandaigua, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing January 01, 2023, that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### **Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

**Manager's Report:** City Manager Goodwin reported on the lawn and leaf collection for November. Reminded residents on snow removal within 24 hours of the snowfall to clear their sidewalks. He addressed that not all areas of the City streets were re-painted after paving, including bike lanes. As previously noted, the contractor used by Ontario County has run out of street paint and due to supply chain issues, is having trouble acquiring more paint. As soon as they are able and weather permitting, they will try to go out and paint what they are able.

**Executive Session:** Councilmember-at-Large Sutton motioned to move into an Executive Session to consider the purchase, exchange, lease, or value of real property that in an open meeting may have a detrimental effect on the negotiating position of the public body. Seconded by Councilmember Ward 3 White Unanimously passed and carried. Meeting adjourned at 8:10 pm.

#### **Regular Session:**

Councilmember-at-Large Lyon moved to close the executive session and return to the regular meeting at 8:22 PM. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote (8-0).*

#### **Adjournment**

Councilmember-at-Large Sutton moved to adjourn the regular session at 8:22 PM. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote (8-0).*

**APPENDIX A  
MINUTES  
PLANNING COMMITTEE & FINANCE COMMITTEE  
TUESDAY, SEPTEMBER 6, 2022, 7:00 PM  
COUNCIL CHAMBERS  
HURLEY BUILDING, 205 SALTONSTALL STREET  
VIRTUAL: [HTTPS://US06WEB.ZOOM.US/J/89079597597](https://us06web.zoom.us/j/89079597597)**

**Planning Committee:** Thomas Lyon, Chair  
Nick Cutri  
Steve Uebbing  
Dan Unrath

**No items - No meeting was held.**



**Finance Committee:** Steve Uebbing, Chair  
Thomas Lyon  
Dan Unrath

Other Members Present: Karen White  
Erich Dittmar  
Mayor Palumbo

City Staff: Nancy Abdallah, City Treasurer  
John Goodwin, City Manager  
David Hou, Corporation Counsel

Absent: Nick Cutri

Chair Uebbing opened the meeting and welcome members present. He asked those present to stand for the Pledge of Allegiance and the Mayor read the Core Values.

Chair Uebbing reviewed the first agenda item. Garbage and Recycling, §585 “Solid Waste” of City Code includes single family and 2-4 family properties for garbage, recycling and yard waste collection and excludes commercial waste, industrial waste, trade waste, hazardous household waste, building waste or waste from multiple dwellings, rooming houses, or mixed-use properties. City Staff prepared the list to receive new totes, a discussion on certain property classes is necessary. He asked City Manager Goodwin to clarify. He explained that the new program is not going to pick up any waste that is left outside of the new totes, the City Treasurer has been working on a list of those that will be receiving a new tote. Staff would like to get Council’s feedback on the list before communications are sent out. Goodwin asked City Treasurer Nancy Abdallah to review the details. Currently, the communication plan is to send letters out to all the single-family homes and homes with one apartment, two family residences, three family residences and those that are classified as multiple residences, residences that have commercial space, four-unit apartments and condos. Mrs. Abdallah reviewed that the City is putting this program to help reduced the revenue and this is not a way for us to make more money, she clarified. Currently, there are 23 non-for-profits on the tax roll, and we pick up waste/recycling from 11 of them. So, she is proposing is for the non-for-profits to pay for every bin they need. Communication will be sent to all 23 in the City and some may opt in and some may opt out. The non-for-profit locations are religious locations, Arc Houses, Wood Library and Woodlawn Cemetery for examples, they do not pay taxes. We do not pick up for everyone, it is their choice. The issue is also with Commercial properties. They are some single-family homes with commercial use and single-family homes with an apartment. There are two family, three family and multiple family and example would be with two houses on one lot in one tax bill, she explained. Additionally, there are residential homes with commercial use on the property as well as four-unit apartments buildings and the condos are also labeled as apartments examples are, Holiday Harbour and Brigham Hall. There are several other examples with Commercial locations as well. Currently, the ordinance in place applies to single-family dwellings and two- to four-family dwellings but does not include multiple dwellings, rooming houses or mixed-use properties, part of our issue with the commercial dwelling. The question becomes do we pick up and after they and continue to charge for more bins requested. This was a gray area where the current practice and the policy differ. Corporation Council David Hou suggested that the policy would have to be consistent with the current practice and Goodwin clarified the City has allowed the exemption to be used where the present ordinance does not allow for any pickup. Councilmembers discussed updating the ordinance and/or amending the ordinance. Chair Uebbing asked to have the ordinance on the agenda for the next meeting to review. Goodwin said that this is the time to update to end the muddled process and the Ordinance committee will review on September 27th. Abdallah said that she will give the committee the listing of the affected properties and get started contacting the 3000 properties that are ready to go.

Chair Uebbing moved into discussing the 2023 Budget. Discussions are underway, both internally with City Staff and with Council tonight for the 2023 Budget. Goodwin explained that on November 1<sup>st</sup> he will deliver the 2023 Budget to Council. He and Mrs. Abdallah will present to Council to review. Meetings will take place to review the budget in more detail during November, making recommendations and changes before the budget is set for approval on December 1<sup>st</sup>. City Department heads have submitted their plans for the upcoming year and internal meetings to discuss those plans are taking place. Goodwin noted the challenges of seeing costs increasing, due to the supply chain issues and overall demand. He noted the tightening of the labor market and well as changing in labor rates are increasing. On the Capital side, he cited the recently issues the City is experiencing issues with vehicle's ordered for 2022 that have just been cancelled by the dealer. As a result, the City will have to contend with having more maintenance issues on the vehicles scheduled to be replaced, and which may cause these vehicles to be down longer than planned for any service issue, interrupting service to the public. Councilmember Unrath noted the changes to NYSERS (New York State Retirement) costs are increasing for retirees and retirement plans, that the City will have to account for, for which Goodwin agreed, they are reviewing all these areas now. Goodwin noted that Sales Tax and Occupancy Tax are running well, but that could change if we are looking at a recession. City Staff is trying to predict a year from now but with supply chain issues and given all the items that we do not know about that can change, is making the work harder. Chair Uebbing asked Councilmembers present to the City Manager areas they want to see in the budget. Councilmember Lyon said that areas that he is concerned with, infrastructure items, prices are increasing agreeing with what Goodwin is observing. City Treasurer Abdallah suggested that we may have to update our ordering sooner because under New York State Law, Cities must show they budgeted for the item. Departments must have a purchase order and we must have money in the budget. The State has not given any relief to this area; Abdallah noted. Goodwin said that while prices have skyrocketed but that does not solve the issue of when materials are available. All the while, we have aging facilities that need attention, and the example is the Waste Water Treatment Plant. This will not be an easy budget process, due to all the unknowns. Chair Uebbing asked about the Lake House and if the taxes are covering the assessment and Goodwin notes that while he does not have the specific numbers, the Lake House has been a good economic driver for the community. The Mayor requested reviewing a long rang plan. Goodwin said that we have been looking at a five-year plan, but given the changing of numbers, may be difficult. Councilmember White asked for a snapshot of where we are today can be useful.

Goodwin noted that even though there was not a planning meeting tonight, he wanted the public to be aware that Ontario County is doing a planning survey and residents can find the details on their website. September 10<sup>th</sup> is the public meeting on the Waterfront Planning. Kerhsaw Park will have DRI feedback for the public. Chair Uebbing said that the sidewalk between the bridge at Muar Lake to the park is working out very well. The Mayor thanked Michelle Hess for the report she provided Council on the spill at the Waste Water Treatment Plant and thanked her staff.

Councilmember Lyon motioned to close the meeting, Councilmember Unrath seconded, unanimously passed, and carried.

**MINUTES**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**  
**TUESDAY, SEPTEMBER 27, 2022, 7:00 PM**  
**HURLEY BUILDING, 205 SALTONSTALL STREET**  
**VIRTUALLY: <https://us06web.zoom.us/j/83871733845>**

**Environmental Committee:** Karen White, Chair  
Sim Covington, Jr. via Zoom  
Erich Dittmar

Renée Sutton

Other Members Present:

Thomas Lyon  
Steve Uebbing  
Dan Unrath  
Mayor Palumbo

City Staff Present:

John Goodwin, City Manager  
David Hou, Corporation Counsel

Chair White opened the meeting, introduced members present and reviewed the Community Core Values. She reviewed the first agenda item, the Special Event – Partnership for Ontario County – A Stronger Ontario 5K. The Partnership for Ontario County would like to hold a 5K event on Sunday, November 13<sup>th</sup> from 9 AM to 11 AM. The event is estimated to have 150 people participate/attend. A representative from the Partnership for Ontario County has been invited to discuss the Special Event. Tracey DellStratto, ED Partnership, reviewed the planned 5K. The Race route will be through Lakeshore and around Lagoon Park. They will pay for any law enforcement needed. The goal is to raise \$30K through sponsorship. Councilmember Sutton motioned to approve the event, seconded by Councilmember Dittmar, unanimously passed, and carried onto Council.

Chair White moved to the review of the Waterfront Parks Master Plan. She explained that the City of Canandaigua has long recognized the significance of providing access to Canandaigua Lake and take pride in providing most of the public access via five (5) waterfront parks Lagoon, Lakefront, Kershaw, City Pier, and Atwater Meadows. A Waterfront Master Plan was initiated to identify the future needs of the parks, ensure waterfront access, provide resilient park infrastructure, and determine funding opportunities. A draft plan was developed building on existing City planning, site analysis and public participation and engagement. Ted Liddell of Bergmann Architects, Engineers and Planners presented the draft plan to Council members present. Allison Harrington of Sustainable Planning Design, also contributed to the report. Mr. Liddell said the goal is to have the draft review completed by the end of the month. A review of all past Parks Inventory and Master Plan from 2016 as well as the Active Waterfront Transportation Plan, Parks Building Assessment report from 2021 as well as ongoing reports for Canandaigua Wayfinding Plan and the Parking Analysis were reviewed as a jumping off point leading to this current report. For Kershaw Park it is recommended that to widen the bridge for pedestrian and bike access, to provide a clear public accesses to the Lake for Kayaks and Paddle Boards, add another restroom facilities, a two-way cycle track and expand a pedestrian boardwalk along the south side of Lakeshore Drive, (this is also recommended in the 2021 Active transportation plan), create a potential winter carnival hub, widen and pave trail between the 2-way cycle track and Lakefront Park, (this is also recommended in the 2021 Active transportation plan), to improve the fishing pier and possible removal of the fence at the swimming area. The fence is a new recommendation to the plan and further evaluation is required before this can be formally added. Improvements for City Pier include expanding pedestrian walkways and the start and the end of the Pier, providing ADA access at water access points and adding benches, bike areas for all to use. Pier extension would require additional research before moving forward. Lagoon Park improvements include invasive species management plan, ash tree removal, native plant species planning and management of poison ivy and public awareness strategy. Additional improvements are enhanced pedestrian crossing at three areas, rustic benches and educational kiosks Atwater Park. Improvements include better entrance ways, improving the condition of the existing trail, incorporate new nature trails with educational opportunities and enhanced parking lot and visibility from West Lake Road with additional signage. Cost structures and potential funding sources were reviewed. A final draft is hoping to be completed by the end of September. Opportunity for design refinement is available as this is a draft report only. Questions from Council members on losing parking spaces at the City Pier and this would have to happen in order to widen the pedestrian areas and to promote bike riding to the Pier. Councilmember Uebbing expressed his support for the plans for the Pier and Councilmember Unrath expressed his opposition. Discussion around bike path and the

potential for expansion to East Lake Road. Questions remain on the parking issues for the area and the demands along the City Pier and Kershaw, this may change things once the hotel is opened. Questions on the fees for the feasibility study. They can send a full cost estimate to Council for review, but they were given a high-level review for tonight. Full funding needs to be reviewed. Chair White thanked Ted for his report and time. She asked Council to study the plan and asked to have comments placed by the end of the week.

Chair White reviewed the appropriation CCA Legal Opinion and asked City Manager Goodwin to review. He explained that this summer Source Power/Icon Energy defaulted on a required payment to the grid operator, New York Independent System Operator (NYISO) and was prohibited from being an electric provider. As such, on June 15<sup>th</sup> residents and small businesses that were part of the CCA program were returned to RG&E as the default electric supply service. The three municipalities involved in the CCA program Brighton, Victor and the City of Canandaigua agreed to seek an outside legal opinion and share the costs based on the municipalities CCA size. The total cost of the opinion was \$5,000 with the City's share being \$1,000. The City Manager recommends appropriating \$1,000 from the Energy Projects Fund for this purpose. Councilmember Sutton motioned to move this to Council for their review, seconded by Councilmember Dittmar. Unanimously approved and carried.

Chair White reviewed the Agreement with Ontario County Solid Waste Management Plan Funding. City Manager Goodwin said that he has been successful in securing a grant for the \$40,000 Waste Reduction Strategy Grant in funding from the Ontario County Department of Sustainability and Solid Waste Management for the City's new solid waste collection program. Councilmember Sutton asked to clarify some of the grant language the County uses. City Manager Goodwin said that it is how the County puts together their grants as the City is considered a municipal partner and uses the term consultant. Corporation Counsel David Hou said that they use a template, and we can revise the language before the full council approves the agreement.

Chair White tabled the Budget Amendment discussion for the Contingency for Vehicle Repairs and Gas. This will be added to the Finance Committee meeting next week for their discussion and review.

Chair White moved to close the meeting.

**Ordinance Committee:** Renée Sutton, Chair  
Sim Covington, Jr.  
Erich Dittmar  
Karen White

**Other Members Present:** Thomas Lyon  
Steve Uebbing  
Dan Unrath  
Mayor Palumbo

**City Staff Present:** John Goodwin, City Manager  
David Hou, Corporation Counsel

Chair Sutton opened the meeting and reviewed the agenda items.

She reviewed the first agenda item. Planning Commission Recommendation about Commercial Flags. The Planning Commission, at its July 13, 2022, meeting, discussed signage within the community focused on the impact of commercial flags. The result of the discussion was a recommendation to the City Council to amend the Sign Ordinance relative to commercial flags. A representative from the Planning Commission has been invited to

present/discuss their recommendation. Stanley Taylor from the Planning Committee discussed their review. Chairperson. Lindsay VanDeusen. Anne Buyer, Bonnie Dorshel and Rick Brown, City Planning/Development Director. The commission has been reviewing commercial flags or feather flags as seen throughout the community. The flags are roughly 8 – 12 feet tall. Mr. Taylor explained that the concern is that they can be disturbing to motorists. Chair Sutton asked if they must have a permit to fly these flags and yes, while they are required, Mr. Taylor noted, but not always applied for. Rick Brown clarified that the fee is \$2 per square feet of the flag. He further clarified the process, and that Code Enforcement has been seeing more flags fly that do not have a permit, the business is sent a letter on the flag with the explanation on how to obtain the permit and once the business complies, their flag has a permit. In addition to the motorist distraction issue, the Commission would like to ask City Council's committee to review the language of the Charter where flags are concerned to possibly update the language, so these businesses are applying first, awaiting approval before flying the flag. Councilmember discussed and asked the Commission to discuss their recommendations and bring it back before the committee. Mr. Taylor also asked Councilmembers to drive around the City and see the flags. He thanked Council for reviewing and hope they can add this to the next agenda.

Chair Sutton tabled the Vacancy Tax discussion.

Chair Sutton reviewed the No Left Turn – City Pier law that Councilmember White asked to have this added to the agenda. Councilmember White noted that she has sat in her car near the intersection to view what drivers are doing. She noticed several cars not complying with the law. 70% compliance is what she noted. She floated the idea of changing the law to make the no left had turn seasonal. Council asked about the transportation plan and where that stands with the proposed rotary in two intersections. City Manager Goodwin noted that these rotaries are in the plan as reviewed. Councilmember Unrath expressed his agreement with changing the law to make it seasonal. Councilmember Lyon expressed his concern by making the law seasonal, people will not respond to when the law returns. He said that making a change, the back and forth might be an issue. Councilmember Uebbing said that it is reasonable to make the change. Chief Nielsen said that having the existing law in place as is has been better for traffic control as making a right-hand turn is easier for motorists and believes that changing the law to being seasonal, there will be a learning curve along with potential traffic issues. He has been through this before with a similar circumstance and it has been difficult. Chief discussed that adding stop signs will bring more congestion and traffic will be backed up. The summer months are very heavy traffic and stop signs will back up the traffic. Chair Sutton said that she is not in favor of making the law seasonal. Is in favor of making the signage more visible if that is possible. Chief Nielsen explained that the signage is at eye level, and they did paint a right arrow on the ground, but with restriping the road that will change. Both Councilmembers Covington and Dittmar agree that keeping the law as it is needed.

Chair Sutton reviewed Solid Waste Ordinance. §585 “Solid Waste” of City Code includes single family and 2-4 family properties for garbage, recycling and yard waste collection and excludes commercial waste, industrial waste, trade waste, hazardous household waste, building waste or waste from multiple dwellings, rooming houses, or mixed-use properties. City Staff discussed the collection program as it pertains to certain property classes at the September 6<sup>th</sup> Finance Committee and has prepared a draft amendment to the ordinance to reflect that discussion as well as reflect other changes being made to the program. Goodwin explained that we are proving bins to all residents, if they wanted an additional bin, they would have to pay for them. The practice and the policy have been out of alignment and what we have proposed here, we follow the ordinance as written. Chair Sutton suggested adding the size of the containers to the policy. Goodwin said that the properties that are getting collected today that will not be moving forward will be the most impacted, mainly the condo owners and the mixed multi-use.

Councilmember Covington motioned to adjourn the meeting into Executive Session to discuss matters which will imperil the public safety if disclosed. Councilmember Lyon seconded the motion, unanimously passed, and carried.

**APPENDIX B**  
**MINUTES**  
**PLANNING COMMITTEE & FINANCE COMMITTEE**  
**TUESDAY, OCTOBER 4, 2022, 7:00 PM**  
**COUNCIL CHAMBERS**  
**HURLEY BUILDING, 205 SALTONSTALL STREET**  
**VIRTUAL: <https://us06web.zoom.us/j/89079597597>**

**Planning Committee:** Thomas Lyon, Chair  
Steve Uebbing  
Dan Unrath

**Councilmembers present:** Sim Covington, via Zoom  
Erich Dittmar  
Renee Sutton  
Karen White  
Mayor Palumbo

**City Staff present:** John Goodwin, City Manager  
David Hou, Corporation Counsel  
James Sprague, Department of Public Works Manager  
Nancy Abdallah, City Treasurer

**Guests:** Denise Chappel, BID Manager

**Absent:** Nick Cutri

Chair Lyon opened the meeting and welcomed members and guests present. He reviewed the only agenda item, downtown parking lots. He noted that there are many buildings Downtown that are completing renovations through the New York State Main Street grant or completely private investments that will result in increased usage of upper stories with quality apartments and short-term rentals. City Manager Goodwin explained the current parking map. The City has several lots downtown and the color coded parking map shows the type of parking the City offers, starting with three hour parking, all day parking with no parking from 2 am – 5 am, Monday, Wednesday, Friday and Sunday. All day parking with no parking 2 am – 5 am Tuesday, Thursday and Saturday, Unlimited parking and Handicapped parking areas that are all day and no parking from 2 am – 5 am, daily. Although these investments help accomplish a long-held goal of the Comprehensive Plan (redeveloping quality upper floors of downtown structures), it makes another goal of allowing increased overnight parking more pressing due to the increasing number of short-term rentals as well as long-term tenants living in downtown apartments. A redesign of the parking map is needed, and Goodwin is recommending referring the matter to the BID to assist City Staff to create a long-term solution. Chair Lyon noted that the parking lots have 47% utilization mid-day as well as a 39% evening use. Goodwin notes that there is perceived parking problem downtown, but the parking study proved otherwise. Not the same for the waterfront area but looking to make these changes downtown. Councilmember Uebbing said that he has not noticed a parking problem. Councilmember Unrath noted that with the increase in short term rentals, they want to be able to park and if there is a way to increase overnight parking, he personally feels that it should be made unlimited 24-hour parking for all lots. Councilmember Sutton asked if this was an education issue about the parking. Goodwin noted that that is an education matter as well as an increased need in parking for area residents. The Mayor introduced Sarah Genecco, who reached out to him on this issue. Ms Geneco, who owns an apartment building on Phoenix Street said their tenants want a place to park

and cannot find anything close. She noted that a resident is coming in with groceries or their children in strollers, finding something close is not possible. Her residents have been getting parking tickets because of their need to find better parking. The Mayor asked about a downtown parking sticker. Goodwin said that we do not have a parking sticker. Councilmember Uebbing suggested doing a \$5 sticker for the residents to annually purchase. Denise Chappel spoke and that her board and the City Staff have been trying to develop a plan. This is becoming a bigger issue as more second and third floors of buildings downtown are developed for housing. There are currently on one side of the street 50 spaces but as development continues this will be a bigger issue. They feel strongly it should be alternate parking and is looking forward to working with City Staff on creating solutions. Councilmember Uebbing asked if there is anything we can do in the short term. Ms. Chappel said no, it is really an educational issue and there is ample overnight parking to accommodate. The weekend can be an issue but any given evening there are 10 – 15 vacant spots under the Farmer’s Market pavilion that are available. Jim Sprague said that the rotation will be the biggest issue for DPW for snow and ice removal and alternate parking would help. Mr. Goodwin noted that a recommendation from all parties involved may not happen until the first of the year.

Chair Lyon closed the meeting.

**Finance Committee:** Steve Uebbing, Chair  
Thomas Lyon  
Dan Unrath

Councilmembers present: Sim Covington, via Zoom (arrived at 8:09 pm)  
Erich Dittmar  
Renee Sutton  
Karen White  
Mayor Palumbo

City Staff present: John Goodwin, City Manager  
David Hou, Corporation Counsel  
James Sprague, Department of Public Works Manager  
Nancy Abdallah, City Treasurer Absent: Nick Cutri

Chair Uebbing opened the meeting, welcomed members present and reviewed the first agenda item, Budget Amendments. Uebbing noted that Street Resurfacing, a large overrun of \$228,920 occurred over the \$250,000 budgeted for the micro-pave program. The cause was escalation in asphalt prices and communication failures regarding the price escalations (mainly caused by oil prices), and the type of micro-pave application between the vendor and DPW. Additional capital reserve will need to be appropriated to account for the overrun. The City will be 100% reimbursed in 2023 via the CHIPS program, but this will result in no resurfacing work taking place in 2023, unless the State increases allocations to the program. Goodwin noted that this is also directed tied to the number 2 item on the agenda for changes to the purchasing policy, however, he noted that this occurred due to communication failures with both the vendor and DPW. Goodwin explained that CHIPS funding is a New York State Highway Program that give aid for roadways and sidewalk maintenance. He explained that the number of streets re-surfaced in 2022 would have been greatly reduced (by about half) from the roughly 23% of City streets resurfaced this year. Fortunately, although this large overrun is not desired or ideal, this occurrence ultimately will not negatively impact the City’s Street surface quality or finances and identified a correctable flaw in the Purchasing Policy and Procedures. Councilmember Lyon asked about the phased in approach for future projects for the streets and will there be issues in the future. Jim Sprague said no other issues are expected and the lifecycle of this product is 10 years. Councilmember Sutton asked about the communication issue. Goodwin noted there is an escalation clause in the Ontario County Contract, DPW sent the PO Number and not the full purchase amount to the vendor, the Vendor got the PO Number and did discuss verbally with DPW staff on the full cost but the two were not on the same page. Jim Sprague said that in his 11 years with the City and working from County contracts,

he had never ever seen the escalation clause used. He acknowledges the communication issues between his staff and the vendor. Essentially, the City had more streets paved than planned and Goodwin noted that this flaw in purchasing will be fixed moving forward with the changes to the policy. The Mayor confirmed that, yes, we paved two years of streets in one year. Councilmember Lyon motioned to approve the budget amendment seconded by Councilmember Unrath, unanimously passed, and carried onto full Council.

Chair Uebbing moved up the discussion on the MOU with the Towns of Gorham and Canandaigua – Canandaigua Lake Sustainable Winter Management of Roads Pilot Program. Kevin Olvany, Watershed Manager, presented the grant program. The Watershed Council, City of Canandaigua and the Towns of Gorham and Canandaigua have been working together to implement a grant funded pilot program. The Watershed Council will provide all administrative support for the program. The goal of the MOU is up to a 50% reduction in the use of salt across our area. Mr. Olvany said they are seeing an increase level of chloride concentrations in Canandaigua Lake because of the six months of winter trying to keep our roads safe. The program will use of salt testing brine and live edge plow equipment to reduce the amount of deicing salt during the winter months with the goal of maintaining and enhancing safety of roadways while decreasing our impact to the environment and Canandaigua Lake. There are sufficient funds within operating our budget without negatively impacting normal operations. This will be a reimbursement grant. They are looking at potentially purchasing a weather station to help chart and decide when teams should go out a spread salt. Councilmember asked about costs, language within the State contract and the municipalities around the Lake that have the high chloride concentrations. Councilmember Unrath motioned to approve the contract for approval with full Council, seconded by Councilmember Lyon, unanimously passed, and carried.

Chair Uebbing moved onto reviewing the Contingency for Vehicle Repairs and Gas. This is a budget amendment, the 2022 Fire Department Budget included \$15,560 for gas and \$50,000 for vehicle repairs. With increased call volume combined to the service area (Canandaigua City, Town of Canandaigua, Town of Farmington) and with larger than anticipated increases to the price of gas and more than anticipated repairs to fire apparatus an additional \$30,000 is needed for gas and vehicle repairs that will cover the remaining portion of the year. The City Manager is recommending and requesting that City Council appropriate \$30,000 from the 2022 Budget contingency (which has not been used at all thus far in 2022). Chair Uebbing asked if the Town of Canandaigua has had an increase in costs with the municipal contract with the City to provide Fire service. No, noted City Manager Goodwin. The contract for 2022 is a set amount for \$650,000 and was based on certain staffing levels. It did not consider general expenditures, and we have been trying to address these needs with the Town. Current negotiations are adding these details for the upcoming contract. Councilmember Lyon asked if there was an effort to partner with other municipalities in the area as well where we provide emergency services. Goodwin noted that yes, those discussions are ongoing, the County is nearing the end of a study on emergency services for the area. Goodwin noted the Town of Farmington, we have gone to the area 30 times within the 2000 calls we receive annually. Not a significant amount but might be the start of a new trend. The Mayor asked about fuel increases with other departments. The Police Department has moved to hybrids and that have served the City well. The biggest issue is the fire department, due to diesel fuel, which is up in cost significantly. Councilmember Lyon motioned to approve the expense and bring to the review for full Council, Councilmember Unrath seconded, unanimously passed, and carried.

Chair Uebbing asked John Goodwin to review the Purchasing Policy Review and Recommended Change. Goodwin noted that every two years they review the policy and with this incident that occurred. He reviewed the changes in the exceptions for the bidding process. These changes will ensure that issues like with DPW will not happen again. Goodwin noted that no other changes were being made. The Mayor asked about the totter purchase and that Goodwin said that those totters were purchased under the purchasing cooperative, and within the rules. Councilmember Unrath moved to accept the purchase agreement, Councilmember Lyon seconded, unanimously passed, and carried onto full council.



Councilmember Lyon motioned to adjourn, seconded by Councilmember Unrath, unanimously passed, and carried.